

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

ELIZABETH PAYNE,

Plaintiff,

VS.

FRIENDSHIP WEST BAPTIST)  
CHURCH, INC.,

Defendant.

CIVIL ACTION NO. 3-09CV0595-B

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ORAL AND VIDEOTAPED DEPOSITION OF

ELIZABETH MOFFITT

JANUARY 6, 2010

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ORAL DEPOSITION OF ELIZABETH MOFFITT, produced  
as a witness at the instance of the Plaintiff, and  
duly sworn, was taken in the above-styled and  
numbered cause on the 6th day of January, 2010, at  
9:39 a.m. to 2:25 p.m., before Laurie Purdy, CSR, in  
and for the State of Texas, reported by machine  
shorthand, at the offices of Faith Johnson &  
Associates, L.L.P., 5201 North O'Connor Boulevard,  
Suite 500, in the City of Irving, County of Dallas,  
State of Texas, pursuant to the Federal Rules of  
Civil Procedure.

COPY

1 Q. What does that stand for?

2 A. Society for Human Resources Management.

3 Q. Are there any other organizations that you  
4 belong to?

5 A. Yes. There's a national church  
6 organization, and I don't -- the acronyms are NACA.

7 Q. Do you know what that stands for?

8 A. No.

9 Q. Any other organizations that you belong to?

10 A. Not that I can remember.

11 Q. Okay. Your sister-in-law, in 2006, told  
12 you, what, that Friendship-West was looking for HR  
13 services or --

14 MS. JOHNSON: Object to hearsay.

15 A. I don't know how it came about.

16 Q. (By Ms. Hutchison) Did you contact  
17 somebody at the church?

18 A. They contacted me.

19 Q. Who contacted you?

20 A. Reverend Rickey Hill.

21 Q. And what did he tell you that they needed?

22 MS. JOHNSON: Object to hearsay.

23 A. Something along the lines of someone to  
24 handle human resources matters.

25 Q. (By Ms. Hutchison) Okay. And at that time

1 Q. With respect to the services that you have  
2 provided for Friendship-West since 2006, have you had  
3 any supervisory capacity there?

4 A. No.

5 Q. Do you have the ability to hire or fire  
6 anyone?

7 A. No.

8 Q. But it was part of your job to make  
9 recommendations concerning hiring and firing?

10 A. Yes.

11 Q. Did you report to anyone?

12 A. Yes.

13 Q. Who did you report to?

14 A. Pastor Haynes, Reverend Hill and Veta Holt.

15 Q. And has it been that way since the time  
16 that you were retained?

17 A. Veta Holt joined the staff later, but,  
18 yeah.

19 Q. So it was initially that you reported to  
20 Reverend Haynes and Reverend Hill, and then after  
21 Veta Holt joined the staff you also reported to her?

22 A. Yes.

23 Q. Is there any regular reporting  
24 requirement? In other words, do you have regular  
25 meetings with them or --

1 A. No.

2 Q. So it's just -- what is it that prompts you  
3 to make any reports to any of them?

4 A. Any matters that I deal with I report to  
5 them.

6 Q. And how do you do that?

7 A. Phone calls, meetings.

8 Q. But there's not a regularly scheduled  
9 meeting for reporting?

10 A. No.

11 Q. And there's no regularly scheduled written  
12 report that you're required to submit?

13 A. No.

14 Q. What did they -- who was that told y  
15 what your job would be there?

16 A. Reverend Hill.

17 MS. JOHNSON: Object to relevancy.

18 Q. (By Ms. Hutchison) I'm sorry?

19 A. Reverend Hill.

20 Q. And what did Reverend Hill tell you that  
21 your job would be?

22 A. I don't know all of the details, but to  
23 handle human resources matters.

24 Q. And what was your understanding of what  
25 that would encompass for Friendship-West?

1 A. Anything relating to human resources.

2 Q. And what would that include?

3 A. Employee relations, new employee  
4 orientations, recruiting, staffing, training.

5 Q. Do you think that pretty much covers it?

6 A. There may be some things I left out --

7 Q. Okay.

8 A. -- but not on purpose.

9 Q. Okay. Well, if something comes to you  
10 during the deposition, just let me know and say  
11 that's part of my job, too.

12 A. Okay. Thank you.

13 Q. When you say "training," what does that  
14 involve?

15 A. I -- sometimes based on some of the  
16 employee relations issues that we have, I make  
17 recommendations on training that should happen.

18 Q. Can you give me an example?

19 A. Yes. We do sexual harassment training at  
20 least every couple of years. We may -- we've done  
21 performance review training.

22 Q. Can you think of any other kind of training  
23 that you've recommended?

24 A. I know there's plenty. I've done some  
25 myself. Customer service. That's all I can remember

1 right now.

2 Q. Okay. And with respect to customer  
3 service, are you talking about like for  
4 parishioners -- services provided for parishioners  
5 or --

6 A. Parishioners or each other as staff, to  
7 receive incoming calls, to return phone calls, that  
8 type of service.

9 Q. And who have you provided the customer  
10 service type of training for?

11 MS. JOHNSON: Object to relevancy.

12 A. I can't think of anybody.

13 Q. (By Ms. Hutchison) Okay. The performance  
14 review training, are you talking about training  
15 supervisors how to do performance reviews?

16 A. Yes.

17 Q. And can you think of any supervisors that  
18 you trained in that regard?

19 MS. JOHNSON: Object relevancy.

20 A. Yes.

21 Q. (By Ms. Hutchison) And who would that be?

22 A. All of the associate pastors.

23 MS. JOHNSON: Object to relevancy.

24 A. Reverend Hill, Veta Holt, all of the  
25 directors and supervisors.

1 Q. (By Ms. Hutchison) What about  
2 Pastor Haynes?

3 MS. JOHNSON: Object to relevancy.

4 A. I would say yes.

5 Q. (By Ms. Hutchison) And was this training  
6 provided in a classroom format?

7 A. Yes.

8 MS. JOHNSON: Object to relevancy and  
9 form.

10 Q. (By Ms. Hutchison) And do you remember  
11 where that took place?

12 MS. JOHNSON: Object to relevancy and  
13 form.

14 A. At Friendship-West Baptist Church.

15 Q. (By Ms. Hutchison) All right. And when  
16 did that happen?

17 MS. JOHNSON: Object to relevancy and  
18 form.

19 A. Sometime in 2007 and again in 2009.

20 Q. (By Ms. Hutchison) With respect to the  
21 training in 2007, was it geared towards why you do  
22 performance reviews and the purpose of performance  
23 reviews and how they should be conducted, that kind  
24 of thing?

25 A. Yes.



1 MS. JOHNSON: Object to relevancy and  
2 form.

3 (By Ms. Hutchison) And did it include the  
4 importance of providing information to employees  
5 about their performance on an ongoing basis?

6 MS. JOHNSON: Object to relevancy and  
7 form.

8 A. Probably.

9 Q. (By Ms. Hutchison) You would agree with me  
10 that employees often don't know how they're doing  
11 unless you let them know how you think they're doing?

12 MS. JOHNSON: Object to relevancy and  
13 form.

14 A. In my opinion, yes

15 Q. (By Ms. Hutchison) In other words, that's  
16 the whole reason for doing a performance review, is  
17 to tell someone this is what you can do to improve,  
18 this is what you need to change, this is what you're  
19 doing great on, that kind of thing?

20 MS. JOHNSON: Object to relevancy and  
21 form.

22 A. Yes, that's a part of

23 Q. (By Ms. Hutchison) What are the other, I  
24 guess, purposes or goals of performance reviews?

25 MS. JOHNSON: Object to relevancy and



1 form.

2 A. Other than what you stated?

3 Q. (By Ms. Hutchison) Yes.

4 A. To determine merit increases. That's it.  
5 That's all I can think of right now.

6 Q. Okay. To have some sort of objective basis  
7 for giving someone a raise?

8 MS. JOHNSON: Object to relevancy and  
9 form.

10 A. Yes.

11 Q. (By Ms. Hutchison) And that way it's not  
12 just, you know, randomly decided, I like this person  
13 better so they get a raise; it's based upon how  
14 they're doing as an employee?

15 MS. JOHNSON: Object to relevancy and  
16 form.

17 A. Correct.

18 Q. (By Ms. Hutchison) And why did you believe  
19 that it was important to train them on performance  
20 review issues?

21 MS. JOHNSON: Object to relevancy and  
22 form.

23 A. We had -- the church had just purchased a  
24 new performance management system.

25 Q. (By Ms. Hutchison) I've actually never

1 heard of that before. What's a performance  
2 performance management system?

3 A. It's a system -- it's an electronic system  
4 where we were able to add all of the employees in the  
5 system. The managers had access to their staff, and  
6 they could -- they could actually use the electronic  
7 system to make notations regarding their employee's  
8 performance.

9 Q. Was that something that you had recommended  
10 that they purchase?

11 A. Yes.

12 Q. Because that is way for the supervisors  
13 to provide ongoing feedback to the employees?

14 MS. JOHNSON: Object to form.

15 A. Yes.

16 Q. (By Ms. Hutchison) And there was a  
17 problem with somebody's performance that they needed  
18 fix, gave the employees a chance to know about  
19 it and fix it?

20 MS. JOHNSON: Object to form.

21 A. Possibly.

22 Q. (By Ms. Hutchison) And do you believe as  
23 somebody who is trained in human resources issues,  
24 that that's a fair thing to do? If you expect an  
25 employee to change, it's fair to let them know that?

1 MS. JOHNSON: Object to form.

2 A. opinion, yes.

3 Q. (By Ms. Hutchison) And that's one of the  
4 reason that you encouraged the church to get this  
5 system and that they got it?

6 A. Yes.

7 MS. JOHNSON: Object to form.

8 Q. (By Ms. Hutchison) Now, the -- did the  
9 employees have access to the electronic system?

10 MS. JOHNSON: Object to relevancy and  
11 form.

12 Q. (By Ms. Hutchison) Let me rephrase that.  
13 Did the employees have access to the information put  
14 on there by the supervisors?

15 MS. JOHNSON: Object to relevancy and  
16 form.

17 A. No, they did not have the electronic  
18 access.

19 Q. (By Ms. Hutchison) How do the employees  
20 get the information that the supervisors put on there  
21 about their performance?

22 A. When they have a meeting.

23 Q. And does the system determine when that  
24 meeting takes place?

25 MS. JOHNSON: Object to relevancy and

1 form.

2 A. No.

3 Q. (By Ms. Hutchison) Okay. How is the  
4 meeting scheduled?

5 MS. JOHNSON: Object to relevancy and  
6 form.

7 A. The manager schedules it.

8 Q. (By Ms. Hutchison) And does the  
9 information -- either the training information that  
10 you gave or the information on the performance  
11 management system tell the manager on what occasions  
12 they should schedule a meeting?

13 A. No.

14 MS. JOHNSON: Object to relevancy and  
15 form.

16 Q. (By Ms. Hutchison) So did you provide them  
17 any information or training on when would be  
18 appropriate to schedule a meeting with their employee  
19 discuss any performance issues?

20 MS. JOHNSON: Object to relevancy and  
21 form.

22 A. I gave them deadlines.

23 Q. (By Ms. Hutchison) What kind of deadlines?

24 A. Deadlines that all performance reviews  
25 would be due to be completed.

1 Q. (By Ms. Hutchison) Did everyone comply  
2 with the deadlines?

3 MS. JOHNSON: Object to relevancy and  
4 form.

5 A. Probably not.

6 Q. (By Ms. Hutchison) Has Pastor Haynes ever  
7 provided a performance review of any of his  
8 assistants to you?

9 MS. JOHNSON: Object to relevancy and  
10 form.

11 A. No.

12 Q. (By Ms. Hutchison) So obviously he did not  
13 comply with the deadline?

14 MS. JOHNSON: Object to relevancy and  
15 form.

16 A. I don't know that he had an assistant  
17 during the time that we were doing performance  
18 reviews.

19 Q. (By Ms. Hutchison) Well, the system was  
20 initially in place in 2007, correct?

21 A. I don't know.

22 Q. Well, you said that your -- that you had a  
23 meeting -- a training meeting regarding performance  
24 reviews once in 2007 and once in 2009, correct?

25 A. Yes.



1 form; hearsay.

2 A. No.

3 Q. (By Ms. Hutchison) Have you ever asked him  
4 why he hasn't provided the performance reviews?

5 A.

6 MS. JOHNSON: Object to relevancy and  
7 form.

8 Q. (By Ms. Hutchison) Now, does the  
9 performance management system address what to do  
10 if -- well, strike that. Strike that question. Let  
11 me go back for a minute.

12 The performance evaluations, how  
13 frequently are they supposed to be done?

14 A. At least once a year.

15 Q. Now, there could be issues with somebody's  
16 performance that needed to be addressed sooner than  
17 waiting a full year, right?

18 MS. JOHNSON: Object to form.

19 A. Say that again.

20 Q. (By Ms. Hutchison) Yeah. Maybe that was  
21 not a good question. Let's say someone starts to  
22 work in January, and then their performance would be  
23 due the following January, right? It would be after  
24 a year?

25 A. Possibly.



1 MS. JOHNSON: Object to form.

2 A. Yes.

3 Q. (By Ms. Hutchison) That's part of what you  
4 deal with in human resources, correct?

5 A. Yes.

6 Q. And so you understand that in responding  
7 employ issues, frequently it's important for you  
8 have documentation that reflects what really happened  
9 or what's going on?

10 MS. JOHNSON: Object to relevancy and  
11 form.

12 A. Yes.

13 Q. (By Ms. Hutchison) Particularly if you are  
14 going to need to respond to a charge, for instance,  
15 to the Equal Employment Opportunity Commission,  
16 right?

17 MS. JOHNSON: Object to relevancy and  
18 form.

19 A. Yes.

20 Q. (By Ms. Hutchison) And you understand that  
21 employees who are terminated frequently go and try to  
22 obtain unemployment benefits, right?

23 A. Yes.

24 Q. And that process involves making an  
25 application to the Texas Workforce Commission by the

1 Q. Is there anything on the performance  
2 management system reflecting that anyone made any  
3 notations concerning her performance?

4 A. I don't know.

5 Q. Are you aware of anyone who has gone and  
6 checked the performance management system to see if  
7 it contains any of that information?

8 A. No.

9 MS. JOHNSON: Object to form.

10 Q. (By Ms. Hutchison) You have not done so  
11 yourself?

12 A. No.

13 Q. The performance management system, that's  
14 a -- is that a software program?

15 A. Yes.

16 Q. And do you know the name of the software?

17 A. It started out the name was Vurv, V-u-r-v,  
18 then it changed because the company got bought out.  
19 And I can't remember who bought it.

20 Q. Okay. But when the church purchased it, it  
21 was Vurv?

22 A. Yeah, I believe it was Vurv, yeah.

23 Q. And is that a system that is available to  
24 all of the supervisors at the church? In other  
25 words -- in other words, can they log onto their

1 computer and access the system?

2 MS. JOHNSON: Object to relevancy and  
3 form.

4 A. Yes.

5 Q. (By Ms. Hutchison) Does the word "Taleo"  
6 ring any bells with you?

7 A. Yes.

8 Q. Is Taleo who bought out Vurv?

9 A. Yes.

10 MS. HUTCHISON: And that's T-a-l-e-o.

11 A. Uh-huh.

12 THE REPORTER: Thank you.

13 Q. (By Ms. Hutchison) And what was it about  
14 Vurv and later Taleo that made you recommend it to  
15 the church?

16 MS. JOHNSON: Object to relevancy and  
17 form.

18 A. I just felt that it was a good system to  
19 document -- use to document performance, good or  
20 bad.

21 Q. (By Ms. Hutchison) And why would you want  
22 to document good performance?

23 MS. JOHNSON: Object to relevancy and  
24 form.

25 A. Because good performance -- it's important

1 form.

2 A. Yes.

3 Q. (By Ms. Hutchison) And that was both good  
4 and bad, right? I mean, in other words, if you want  
5 them do things better, you tell them what's good,  
6 and if want them to stop doing things you don't  
7 like, you tell them what's bad, right?

8 MS. JOHNSON: Object to relevancy and  
9 form.

10 A. Yes.

11 Q. (By Ms. Hutchison) And that was a big part  
12 of the purpose of the performance management system?

13 MS. JOHNSON: Object to relevancy and  
14 form.

15 A. Yes.

16 Q. (By Ms. Hutchison) Do you do any  
17 performance reviews on any of the employees?

18 A. No.

19 MS. JOHNSON: Object to relevancy.

20 Q. (By Ms. Hutchison) Do you review them or  
21 sign off on them in any way?

22 MS. JOHNSON: Object to relevancy.

23 A. Yes.

24 Q. (By Ms. Hutchison) And what's the purpose  
25 of that?

1 Q. (By Ms. Hutchison) And it was important to  
2 have detail to support the position that he took  
3 about the employee, correct?

4 MS. JOHNSON: Object to relevancy and  
5 form.

6 A. Yes.

7 Q. (By Ms. Hutchison) And did you want that  
8 detail documented in the performance review itself?

9 MS. JOHNSON: Object to relevancy.

10 A. Yes.

11 Q. (By Ms. Hutchison) And were you going to  
12 give the performance review to the employee to allow  
13 them modify their behavior based on the comments?

14 MS. JOHNSON: Object to relevancy and  
15 form.

16 A. No. The supervisor gave back to the  
17 employee and went over that section, any changes.

18 Q. (By Ms. Hutchison) Okay. But you wanted  
19 them to put the detail in there so that when the  
20 employee got it, they would know specifically what  
21 they were doing right or wrong?

22 A. Correct.

23 MS. JOHNSON: Object to relevancy and  
24 form.

25 Q. (By Ms. Hutchison) Do you remember who the



1 pattern.

2 Q. (By Ms. Hutchison) Well, why wouldn't you  
3 just rely on your memory?

4 MS. JOHNSON: Object to relevancy.

5 A. Because I can't remember everything.

6 Q. (By Ms. Hutchison) Were you trained that  
7 do an investigation into an issue at work,  
8 that documentation is an important part of it?

9 MS. JOHNSON: Object to relevancy and  
10 form.

11 A. Yes.

12 Q. (By Ms. Hutchison) Has anyone at the  
13 church ever asked you to provide training on any  
14 other policy or procedure other than sexual  
15 harassment or performance evaluations?

16 MS. JOHNSON: Object to relevancy and  
17 form.

18 A. Team building.

19 Q. (By Ms. Hutchison) Did you provide the  
20 training on team building?

21 MS. JOHNSON: Object to relevancy and  
22 form.

23 A. No.

24 Q. (By Ms. Hutchison) Who asked you to do  
25 that?



1 MS. JOHNSON: Object to relevancy.

2 A. He had the staff engage in some team  
3 activities where they had to repeat some type of arm  
4 movement, where they had to teach each other how to  
5 perform in unison. He also did a PowerPoint  
6 presentation.

7 Q. (By Ms. Hutchison) Part of your services  
8 that you provide includes dealing with employee  
9 relations issues, correct?

10 A. Correct.

11 Q. What types of employee relations issues  
12 have you dealt with at the church?

13 A. Personality conflicts, employee --  
14 interpersonal issues.

15 Q. Personality conflicts or interpersonal  
16 issues are not unexpected occurrences at the  
17 workplace, are they?

18 MS. JOHNSON: Object to form.

19 A. In my opinion, no.

20 Q. (By Ms. Hutchison) And in the 25 in the  
21 education and training you've received in human  
22 resources, those are not only things that happen  
23 frequently in the workforce, but part of why you were  
24 trained to deal with them, correct?

25 A. Correct.

1 MS. JOHNSON: Object to relevancy and  
2 form.

3 A. We specified with Renee what the  
4 expectations -- the services that she needed to  
5 provide to Reverend Parker.

6 Q. (By Ms. Hutchison) What was Renee's  
7 response?

8 MS. JOHNSON: Object to relevancy and  
9 form and hearsay.

10 A. She was agreeable.

11 Q. (By Ms. Hutchison) She didn't make any  
12 comments other than she was agreeable?

13 A. No. They talked --

14 MS. JOHNSON: Object to relevancy and  
15 form and hearsay.

16 A. They talked about -- Renee talked about the  
17 fact that Reverend Brianna wasn't as clear as she  
18 would like for her to be, so they came to an  
19 agreement that Renee would ask more questions if she  
20 didn't understand something.

21 Q. (By Ms. Hutchison) Is Renee still employed  
22 there?

23 MS. JOHNSON: Object to relevancy and  
24 form.

25 A. No, she's not.

1 Q. (By Ms. Hutchison) Did she get fired or  
2 did she quit?

3 MS. JOHNSON: Object to relevancy and  
4 form.

5 A. She got fired.

6 Q. (By Ms. Hutchison) Who fired her?

7 MS. JOHNSON: Object to relevancy and  
8 form.

9 A. Her bosses.

10 Q. (By Ms. Hutchison) Who would be?

11 A. Reverend Brianna, Reverend White and  
12 Reverend Batson.

13 THE REPORTER: Say that last name  
14 again.

15 THE WITNESS: Batson, B-a-t-s-o-n.

16 Q. (By Ms. Hutchison) And do you remember  
17 when she was fired?

18 MS. JOHNSON: Object to relevancy and  
19 form.

20 A. Either the end of November or the beginning  
21 of December.

22 Q. (By Ms. Hutchison) Of 2009?

23 A. Yes.

24 MS. JOHNSON: Object to relevancy and  
25 form.

1 Q. (By Ms. Hutchison) And what was the reason  
2 for her termination?

3 MS. JOHNSON: Object to relevancy.

4 A. Poor performance.

5 Q. (By Ms. Hutchison) What was Renee's job  
6 title?

7 A. Administrative --

8 MS. JOHNSON: Object to relevancy and  
9 form.

10 A. Administrative assistant.

11 Q. (By Ms. Hutchison) Did Renee receive a  
12 performance evaluation?

13 MS. JOHNSON: Object to relevancy and  
14 form.

15 A. Yes.

16 Q. (By Ms. Hutchison) Do you know when she  
17 received a performance evaluation?

18 MS. JOHNSON: Object to relevancy and  
19 form.

20 A. No.

21 Q. (By Ms. Hutchison) But with her there is  
22 documentation of performance issues that she had?

23 MS. JOHNSON: Object to relevancy and  
24 form.

25 Yes.



1 Q. (By Ms. Hutchison) And in the performance  
2 evaluation, does it reflect that there are criticisms  
3 of her performance?

4 MS. JOHNSON: Object to relevancy and  
5 form.

6 A. I don't know.

7 Q. (By Ms. Hutchison) there any other  
8 documentation of any issues with Renee Shepherd's  
9 performance other than in the performance evaluation?

10 MS. JOHNSON: Object to relevancy and  
11 form.

12 A. Yes.

13 Q. (By Ms. Hutchison) And where is that  
14 documentation?

15 A. Personnel file.

16 Q. What is in her personnel file?

17 MS. JOHNSON: Object to relevancy and  
18 form.

19 A. Do you want me to list everything --

20 Q. (By Ms. Hutchison) Yeah.

21 A. -- or just general?

22 Q. Anything that reflects issues related to  
23 her performance or information related to her  
24 performance.

25 A. I know there's documentation that supports

1 a suspension that she received.

2 Q. Okay. What kind of documentation is that?

3 MS. JOHNSON: Object to relevancy and  
4 form.

5 A. A letter. I can't remember if she signed  
6 or not.

7 Q. (By Ms. Hutchison) And the letter outlines  
8 for her why she's being suspended?

9 A. Yes.

10 MS. JOHNSON: Object to relevancy.

11 Q. (By Ms. Hutchison) And was she suspended  
12 for a certain period of time and then allowed to  
13 return to work?

14 MS. JOHNSON: Object to relevancy and  
15 form.

16 A. Yes.

17 Q. (By Ms. Hutchison) Do you remember how  
18 long she was suspended?

19 MS. JOHNSON: Object to relevancy and  
20 form.

21 A. Two days.

22 Q. (By Ms. Hutchison) And was the suspension  
23 for performance issues?

24 MS. JOHNSON: Object to relevancy and  
25 form.



1 before Reverend Brianna came to you about her or  
2 after?

3 MS. JOHNSON: Object to relevancy and  
4 form.

5 A. Before.

6 Q. (By Ms. Hutchison) So she was reprimanded  
7 for the counseling issues, suspended for two days,  
8 came back to work, and then after that was when  
9 Reverend Brianna Parker came to you about her?

10 MS. JOHNSON: Object to relevancy and  
11 form.

12 A. Correct.

13 Q. (By Ms. Hutchison) But she wasn't  
14 terminated when Reverend Parker came to you. You had  
15 a meeting where they worked it out and she went back  
16 to work?

17 A. Correct.

18 MS. JOHNSON: Object to relevancy and  
19 form and hearsay.

20 Q. (By Ms. Hutchison) Do you remember how  
21 long after that it was that she was terminated?

22 MS. JOHNSON: Object to relevancy and  
23 form.

24 A. No.

25 Q. (By Ms. Hutchison) Do you remember

1 anything else in her personnel file that documented  
2 anything related to her performance other than the  
3 suspension letter?

4 MS. JOHNSON: Object to relevancy and  
5 form.

6 A. No, I don't remember.

7 Q. (By Ms. Hutchison) Now, is suspension a  
8 part of the progressive discipline program?

9 MS. JOHNSON: Object to relevancy and  
10 form.

11 A. Yes.

12 Q. (By Ms. Hutchison) And what is it that the  
13 suspension is designed to do?

14 MS. JOHNSON: Object to relevancy and  
15 form.

16 A. It gives an employee an opportunity to just  
17 think about what they've done, determine whether they  
18 want to continue their employment, and agree to  
19 whatever terms they were given as relates to their  
20 job.

21 Q. (By Ms. Hutchison) And why would you do  
22 that instead of just fire somebody?

23 MS. JOHNSON: Object to relevancy and  
24 form.

25 A. I don't know.

1 Q. (By Ms. Hutchison) Well, as the human  
2 resources expert for the church, what was your  
3 opinion as to why she was suspended instead of fired?

4 MS. JOHNSON: Object to relevancy and  
5 form.

6 A. It was not my recommendation.

7 Q. (By Ms. Hutchison) Did you recommend that  
8 she be fired?

9 MS. JOHNSON: Object to relevancy and  
10 form.

11 A. No.

12 Q. (By Ms. Hutchison) And I'm just asking you  
13 what was your understanding of why she was suspended  
14 instead of fired.

15 MS. JOHNSON: Object to relevancy and  
16 form.

17 A. I don't know.

18 Q. (By Ms. Hutchison) You didn't form an  
19 opinion in that regard?

20 A. No.

21 MS. JOHNSON: Object to relevancy and  
22 form.

23 Q. (By Ms. Hutchison) The church has a  
24 progressive discipline policy, correct?

25 MS. JOHNSON: Object to relevancy.

1 A. Correct.

2 Q. (By Ms. Hutchison) Describe if you will  
3 what progressive discipline means.

4 MS. JOHNSON: Object to relevancy and  
5 form.

6 A. Progressive discipline, in my opinion,  
7 means that it starts with maybe an oral conversation  
8 about an issue. In the event the issue doesn't get  
9 any better after a period of time, then it moves to  
10 maybe a written warning. And then if it doesn't --  
11 if their performance does not get better after that,  
12 then they are moved to maybe a final or a  
13 termination.

14 Q. (By Ms. Hutchison) What's a final?

15 MS. JOHNSON: Object to relevancy and  
16 form.

17 A. Final warning. This is the last  
18 opportunity I'm going to give you to fix this issue.  
19 If you don't, you could be -- you could be  
20 terminated.

21 Q. (By Ms. Hutchison) Is it a policy of the  
22 church or a policy of yours in HR to keep any  
23 documentation concerning oral conversations or any  
24 written warnings in the personnel file?

25 MS. JOHNSON: Object to relevancy and

1 that information such as a written warning in their  
2 personnel file?

3 MS. JOHNSON: Object to relevancy and  
4 form.

5 A. To show a pattern.

6 Q. (By Ms. Hutchison) What is the purpose of  
7 having a progressive discipline policy instead of if  
8 somebody does something wrong, you just fire them  
9 right away?

10 MS. JOHNSON: Object to relevancy and  
11 form.

12 A. It depends on the severity of the  
13 situation.

14 Q. (By Ms. Hutchison) I understand. I'm  
15 asking you why have a progressive discipline policy?

16 MS. JOHNSON: Object to relevancy and  
17 form.

18 A. To help employees improve their  
19 performance.

20 Q. (By Ms. Hutchison) What is the purpose of  
21 giving an employee a written warning? Why put it in  
22 writing?

23 MS. JOHNSON: Object to relevancy and  
24 form.

25 A. It's a more serious form of discipline.

1 Q. (By Ms. Hutchison) So that is a way to let  
2 an employee know basically we're ramping up the  
3 discipline?

4 MS. JOHNSON: Object to relevancy and  
5 form.

6 A. Correct.

7 Q. (By Ms. Hutchison) And then when you talk  
8 about a final, that's something that says, you know,  
9 we're very serious about this; you've already been  
10 warned about it. If you don't fix it, then you're  
11 likely to lose your job?

12 MS. JOHNSON: Object to relevancy and  
13 form.

14 A. Correct.

15 Q. (By Ms. Hutchison) Have you had to provide  
16 or anyone, to your knowledge, at the church had to  
17 provide a written warning to any employees?

18 MS. JOHNSON: Object to relevancy and  
19 form.

20 A. Yes.

21 Q. (By Ms. Hutchison) And, to your knowledge,  
22 who has received written warnings?

23 MS. JOHNSON: Object to relevancy and  
24 form.

25 A. Vernon Robinson, Kassandra Foard, Charlotte



1 Rhone, R-h-o-n-e, Renee Shepherd. That's all I can  
2 remember right now.

3 Q. (By Ms. Hutchison) What was Vernon  
4 Robinson's written warning for?

5 MS. JOHNSON: Object to relevancy and  
6 form.

7 A. I don't remember.

8 Q. (By Ms. Hutchison) Do you remember if it  
9 was performance related?

10 A. I don't.

11 MS. JOHNSON: Object to relevancy and  
12 form.

13 Q. (By Ms. Hutchison) What about Kassandra  
14 Foard, what was her warning for?

15 MS. JOHNSON: Object to relevancy and  
16 form.

17 A. Performance.

18 Q. (By Ms. Hutchison) Do you recall what  
19 aspect of performance?

20 MS. JOHNSON: Object to relevancy and  
21 form.

22 A. She had -- she had deadlines that she had  
23 to meet every week, and there was several times that  
24 she didn't meet those.

25 Q. (By Ms. Hutchison) And Charlotte Rhone, do

1 you recall what her warning was for?

2 MS. JOHNSON: Object to relevancy and  
3 form.

4 A. Not doing her work well.

5 Q. (By Ms. Hutchison) And Renee Shepherd,  
6 what was her warning for?

7 MS. JOHNSON: Object to relevancy and  
8 form.

9 A. Counseling members.

10 Q. (By Ms. Hutchison) What was Vernon  
11 Robinson's job at the time he got the warning?

12 MS. JOHNSON: Object to relevancy and  
13 form.

14 A. I think he was a director of audio-visual.

15 Q. (By Ms. Hutchison) And what about  
16 Kassandra Foard?

17 MS. JOHNSON: Object to relevancy and  
18 form.

19 A. Print technician.

20 Q. (By Ms. Hutchison) What about Charlotte  
21 Rhone?

22 MS. JOHNSON: Object to relevancy and  
23 form.

24 A. Administrative assistant.

25 Q. (By Ms. Hutchison) Who was Ms. Rhone an

1 A. Yes.

2 Q. For performance?

3 A. Yes.

4 MS. JOHNSON: Object to relevancy and  
5 form.

6 Q. (By Ms. Hutchison) And then Charlotte  
7 Rhone, she was terminated?

8 MS. JOHNSON: Object to relevancy and  
9 form.

10 A. Yes.

11 Q. (By Ms. Hutchison) For performance?

12 A. Yes.

13 MS. JOHNSON: Object to relevancy and  
14 form.

15 Q. (By Ms. Hutchison) Did any of them receive  
16 suspensions other than Renee Shepherd?

17 MS. JOHNSON: Object to relevancy and  
18 form.

19 A. Not that I'm aware of.

20 Q. (By Ms. Hutchison) Did any of them receive  
21 a final?

22 MS. JOHNSON: Object to relevancy and  
23 form.

24 A. Kassandra Foard.

25 Q. (By Ms. Hutchison) Was it in writing?

1 MS. JOHNSON: Object to relevancy and  
2 form.

3 A. Yes.

4 Q. (By Ms. Hutchison) Do you know who wrote  
5 it?

6 MS. JOHNSON: Object to relevancy and  
7 form.

8 A. Danielle Ayers.

9 Q. (By Ms. Hutchison) Do you remember what it  
10 said?

11 MS. JOHNSON: Object to relevancy and  
12 form and hearsay.

13 A. No.

14 Q. (By Ms. Hutchison) So with respect to  
15 Kassandra Foard -- maybe I had my notes wrong. Is  
16 Kassandra Foard the one that received a final from  
17 Danielle Ayers?

18 MS. JOHNSON: Object to relevancy and  
19 form.

20 A. No.

21 Q. (By Ms. Hutchison) Oh, Charlotte Rhone.

22 A. It was Charlotte.

23 MS. JOHNSON: Object to relevancy and  
24 form.

25 Q. (By Ms. Hutchison) I wrote that down

1 wrong. I'm sorry.

2 A. That's okay.

3 Q. So with respect to Charlotte Rhone, she  
4 received a verbal ~~35~~ at least one verbal warning from  
5 Danielle Ayers and a written warning from Danielle  
6 Ayers and a final written?

7 A. Yes.

8 MS. JOHNSON: Object to relevancy and  
9 form.

10 Q. (By Ms. Hutchison) And those were all for  
11 performance-related issues?

12 MS. JOHNSON: Object to relevancy and  
13 form.

14 A. Yes.

15 Q. (By Ms. Hutchison) Did you agree with her  
16 termination?

17 MS. JOHNSON: Object to relevancy and  
18 form.

19 A. Yes.

20 Q. (By Ms. Hutchison) Do you remember when  
21 Charlotte Rhone was terminated?

22 MS. JOHNSON: Object to relevancy and  
23 form.

24 A. No.

25 Q. (By Ms. Hutchison) Are you aware of anyone



1 being fired that did not receive a written warning of  
2 some kind before their termination?

3 MS. JOHNSON: Object to relevancy and  
4 form.

5 A. Yes.

6 Q. (By Ms. Hutchison) And who is that?

7 A. Reverend Mark Edwards.

8 Q. And he's the one that stole the keys and  
9 went to the lady's home and her daughter was home?

10 A. No.

11 MS. JOHNSON: Object to relevancy and  
12 form.

13 Q. (By Ms. Hutchison) What did he do to get  
14 fired?

15 MS. JOHNSON: Object to relevancy and  
16 form.

17 A. Who? Reverend Edward?

18 Q. (By Ms. Hutchison) Yes.

19 A. Inappropriate relationship with his  
20 assistant.

21 Q. And who was his assistant?

22 A. Stephanie Washington.

23 MS. JOHNSON: Object to relevancy.

24 Q. (By Ms. Hutchison) And they both got  
25 fired?

1 Q. (By Ms. Hutchison) Edward Mirango?

2 A. Uh-huh.

3 Q. And what did he do?

4 A. He was the one that --

5 MS. JOHNSON: Object to relevancy.

6 A. -- stole the keys.

7 Q. (By Ms. Hutchison) Okay. I just had the  
8 names wrong on that.

9 A. That's okay.

10 Q. So Mr. Mirango was the one that took the  
11 keys and made a copy and then went to the lady's  
12 house?

13 A. Correct.

14 Q. All right. So other than Reverend Edwards  
15 and Stephanie Washington, Ed Mirango and Elizabeth  
16 Payne, was anyone else fired without a written  
17 warning?

18 MS. JOHNSON: Object to relevancy and  
19 form.

20 A. Kittie Taylor.

21 Q. (By Ms. Hutchison) Kitty like K-i-t-t-y?

22 A. I think it's --

23 Q. Kittie Taylor?

24 A. Uh-huh.

25 Q. And why was she fired?

1 MS. JOHNSON: Object to relevancy and  
2 form.

3 A. Theft.

4 Q. (By Ms. Hutchison) What did she steal?

5 MS. JOHNSON: Object to relevancy.

6 A. She stole items out of Pastor Haynes'  
7 closet

8 Q. (By Ms. Hutchison) Closet like at work?

9 A. At the church, uh-huh.

10 Q. Did she confess to it?

11 MS. JOHNSON: Object to relevancy and  
12 form; hearsay.

13 A. She told another employee.

14 Q. (By Ms. Hutchison) What did she take?

15 MS. JOHNSON: Object to relevancy and  
16 form.

17 A. Shoes.

18 Q. (By Ms. Hutchison) She took Pastor Haynes'  
19 shoes?

20 MS. JOHNSON: Object to relevancy.

21 A. Yes.

22 Q. (By Ms. Hutchison) Did she say why?

23 MS. JOHNSON: Object to hearsay.

24 A. She gave them to her husband.

25 Q. (By Ms. Hutchison) Okay. Is there anyone

1 else who was fired without a written warning?

2 MS. JOHNSON: Object to relevancy.

3 A. I can't think of anyone else.

4 Q. (By Ms. Hutchison) List every reason why  
5 Elizabeth Payne was fired.

6 A. Giving statements to the media.

7 Q. Okay.

8 A. Errors in her work.

9 Q. Okay.

10 A. Personality conflicts with the staff.

11 Q. Anything else?

12 A. Not that I can recall.

13 Q. So to the best of your recollection, as you  
14 sit there, the reasons for Elizabeth Payne's  
15 termination are giving statements to the media,  
16 errors in her work and personality conflicts with the  
17 staff; is that correct?

18 A. That's correct.

19 Q. When you reviewed the policies and  
20 procedures with Reverend Hill that went into the  
21 employee handbook, did you review any policies  
22 related to discrimination in the workplace?

23 A. Sexual harassment policy.

24 Q. Any others?

25 A. Their employment -- employment policy that

1 says that they don't discriminate.

2 Q. Okay. Anything else?

3 A. That's all I can remember.

4 Q. As part of your job as human resources  
5 consultant, does that encompass enforcement of the  
6 policies and procedures that are in the handbook?

7 MS. JOHNSON: Object to relevancy.

8 A. Yes.

9 Q. (By Ms. Hutchison) And it's part of your  
10 job in human resources to make sure that the policies  
11 and procedures are applied across the board, correct?

12 MS. JOHNSON: Object to relevancy and  
13 form.

14 A. I make recommendations.

15 Q. (By Ms. Hutchison) But that's part of what  
16 you police in your role in human resources?

17 MS. JOHNSON: Object to relevancy and  
18 form.

19 A. Correct.

20 Q. (By Ms. Hutchison) I mean, that's part of  
21 the basis for human resources is to address  
22 employment policies and how they're applied, correct?

23 MS. JOHNSON: Object to relevancy and  
24 form.

25 A. Correct.



1 Q. And part of your role in human resources is  
2 to also make sure that other people in the workforce  
3 are not doing that?

4 A. Correct.

5 Q. And that decisions that are being made  
6 about employees are not being made on the basis of  
7 their protected class?

8 A. Correct.

9 Q. And you are part of your role in human  
10 resources is basically to be, I guess, a watchdog for  
11 that kind of thing?

12 A. Correct.

13 Q. And so I'm sure you understand that when  
14 people discriminate, they don't usually tell you  
15 they're discriminating, right?

16 MS. JOHNSON: Object to form.

17 A. Say that again.

18 Q. (By Ms. Hutchison) Yeah. Did they train  
19 you in human resources that frequently you have to  
20 look for signs or flags of discrimination?

21 MS. JOHNSON: Object to relevancy and  
22 form.

23 A. Yes.

24 Q. (By Ms. Hutchison) Because -- I'll just  
25 give you an example. Let's say an employer decides

1 to get rid of the older workers because they're, for  
2 whatever reason, you know, slowing down the process,  
3 and they decide to get rid of the older workers.  
4 They don't generally call them in and say, you're  
5 old; we're firing you. They usually find some other  
6 reason to get rid of them. And you've got to look  
7 for the flags, correct?

8 MS. JOHNSON: Object to form.

9 A. Correct.

10 Q. (By Ms. Hutchison) And so the flags that  
11 you look for include -- some of it is statistical.  
12 Have you learned that there are statistical flags for  
13 discrimination?

14 MS. JOHNSON: Object to form.

15 A. Yes.

16 Q. (By Ms. Hutchison) And, for example, if  
17 you have an employer that has a workforce that is  
18 100 percent white when there are other races that are  
19 qualified for those positions and have applied, then  
20 that might be a flag for discrimination, correct?

21 MS. JOHNSON: Object to form.

22 A. It could be, correct.

23 Q. (By Ms. Hutchison) And you -- the law  
24 would require that employer or at least human  
25 resources issue to be investigated to determine the

1 reason that there is not a mixed race workforce,  
2 correct?

3 MS. JOHNSON: Object to form.

4 A. Say that again.

5 Q. (By Ms. Hutchison) Yes.

6 A. Sorry.

7 Q. Someone would need to look into it and find  
8 out the reason that there's not a mixed race  
9 workforce?

10 MS. JOHNSON: Object to form.

11 A. Not necessarily.

12 Q. (By Ms. Hutchison) Well, don't -- in order  
13 to find out if there's discrimination, don't you have  
14 to investigate it?

15 MS. JOHNSON: Object to form.

16 A. Yes.

17 Q. (By Ms. Hutchison) And some of the other  
18 flags that exist for determining whether or not  
19 discrimination is occurring in the workplace would  
20 include whether the reasons given for a specific act  
21 toward an employee are legitimate or not --

22 MS. JOHNSON: Object to form.

23 Q. (By Ms. Hutchison) -- right?

24 A. Correct.

25 Q. And it might also include an attitude -- a

1 prevalent attitude in the workplace toward that  
2 particular class of people, correct?

3 MS. JOHNSON: Object to form.

4 A. It could, yes.

5 Q. (By Ms. Hutchison) And another flag might  
6 also be, for example, whether or not the employer  
7 follows their own policies and procedures in  
8 interacting with the employee, correct?

9 MS. JOHNSON: Object to form.

10 A. Correct.

11 Q. (By Ms. Hutchison) And another flag might  
12 be for discrimination is whether or not that employee  
13 is treated differently than the way the employer  
14 treated other employees, correct?

15 MS. JOHNSON: Object to form.

16 A. Correct.

17 MS. JOHNSON: Do you want to take a  
18 break? We've been going about a couple of hours. Is  
19 this a good spot for you? If not, we can --

20 MS. HUTCHISON: Let's go a little bit  
21 longer and then we can take a break.

22 MS. JOHNSON: I just didn't know if  
23 her hands were getting tired.

24 Q. (By Ms. Hutchison) Now, with respect to  
25 these flags of discrimination, those are things that

1 it's part of your responsibility to investigate,  
2 correct?

3 A. Correct.

4 Q. But the employer also has a responsibility  
5 under the law to be sure that it's not  
6 discriminating, correct?

7 A. Correct.

8 MS. JOHNSON: Object to form.

9 Q. (By Ms. Hutchison) And a responsibility to  
10 investigate any flags or signs of discrimination to  
11 see if it's occurring, correct?

12 MS. JOHNSON: Object to form.

13 A. Correct.

14 Q. (By Ms. Hutchison) Have you ever been  
15 given the task at Friendship-West to investigate  
16 whether or not discrimination has occurred?

17 MS. JOHNSON: Object to form and also  
18 relevancy.

19 A. No.

20 Q. (By Ms. Hutchison) With respect to any of  
21 the actions against any of the employees, including  
22 the discipline, the terminations, hiring or firing,  
23 has anyone ever asked you to determine whether or not  
24 discrimination took place?

25 MS. JOHNSON: Object to relevancy and



1 form.

2 A. Any form?

3 Q. (By Ms. Hutchison) Yes.

4 MS. JOHNSON: Object to relevancy and  
5 form.

6 A. Quite possibly.

7 Q. (By Ms. Hutchison) And when would that  
8 have been?

9 MS. JOHNSON: Object to relevancy and  
10 form.

11 A. Any reference that I would have made  
12 earlier about claims of discrimination.

13 Q. (By Ms. Hutchison) Maybe I'm not  
14 understanding. Are you saying --

15 A. Maybe I don't understand.

16 Q. -- that you've ever investigated any form  
17 of discrimination at Friendship-West?

18 MS. JOHNSON: Object to relevancy and  
19 form.

20 A. The sexual harassment claim that I got  
21 anonymously.

22 Q. (By Ms. Hutchison) Okay.

23 A. I don't remember that I've investigated any  
24 others.

25 Q. Okay. And has anyone ever asked you to

1 investigate any other form of discrimination at  
2 Friendship-West?

3 MS. JOHNSON: Object to relevancy and  
4 form.

5 A. Not that I can recall.

6 Q. (By Ms. Hutchison) Does Friendship-West  
7 currently employ any employees that don't -- that are  
8 not at least partially African-American?

9 A. That are not partially African-American?

10 Q. Yes.

11 A. I believe so.

12 Q. And who would those be?

13 A. Maria Lupe. I think that's it.

14 Q. And those are the cleaning ladies?

15 A. Yes.

16 Q. Other than the cleaning ladies, does  
17 Friendship-West employ any employees that are not at  
18 least partially African-American?

19 A. I don't think so.

20 Q. Is Elizabeth Payne the last employee that  
21 you're aware of that was employed there that was of a  
22 different race altogether?

23 A. I believe so.

24 Q. Now, with respect to her termination, did  
25 you do any investigation into whether or not there

1 was an attitude in the workplace that was negative  
2 about her being employed there --

3 A. No.

4 Q. based on her race?

5 A. No.

6 Q. Did you do any investigation as to whether  
7 or not the church followed its own policies and  
8 procedures in her termination?

9 MS. JOHNSON: Object to form.

10 A. No.

11 Q. (By Ms. Hutchison) Did you do any  
12 investigation or comparison as to the way she was  
13 treated versus the way other employees were treated  
14 their termination?

15 A. No.

16 MS. JOHNSON: Object to relevancy and  
17 form.

18 Q. (By Ms. Hutchison) Did you do any  
19 investigation to independently determine whether or  
20 not the reasons offered to fire her were legitimate?

21 A. No.

22 Q. Are you aware of anyone else who did any  
23 kind of an investigation to determine those things?

24 MS. JOHNSON: Object to relevancy and  
25 form.

1 A. No.

2 Q. (By Ms. Hutchison) Were you involved in  
3 providing any information to the EEOC in response to  
4 Ms. Davila's claim -- or I called her  
5 Ms. Davila -- Elizabeth Payne's claim?

6 MS. JOHNSON: Object to relevancy and  
7 form.

8 A. Possibly.

9 Q. (By Ms. Hutchison) Was there somebody else  
10 that was in charge of responding to the EEOC charge?

11 MS. JOHNSON: Object to relevancy and  
12 form and hearsay.

13 A. I don't know. Probably the legal team.

14 Q. (By Ms. Hutchison) Okay. Other than -- I  
15 want to exclude lawyers because then we get into the  
16 whole attorney-client communication thing. That's  
17 all privileged. But I was just wondering if there  
18 was anyone at the church who was involved in  
19 providing the information or gathering the  
20 information for the EEOC.

21 A. Probably Veta Holt.

22 MS. JOHNSON: Object to relevancy.

23 A. Probably Veta Holt.

24 Q. (By Ms. Hutchison) Did anyone at the  
25 church other than the lawyers meet with you to obtain

1 situation where your race would be a bona fide  
2 occupational qualification?

3 MS. JOHNSON: Object to relevancy and  
4 form.

5 A. No.

6 Q. (By Ms. Hutchison) Okay. And I'm asking  
7 you about -- I mean, you believe that  
8 anti-discrimination laws apply outside the workplace  
9 as well, don't you?

10 MS. JOHNSON: Object to relevancy and  
11 form.

12 A. Yes.

13 Q. (By Ms. Hutchison) Okay. And how is it  
14 not discriminatory to make a decision to engage in  
15 business with somebody only because of their race?

16 MS. JOHNSON: Object to relevancy and  
17 form.

18 A. Okay. Yes, it would be. Sorry.

19 Q. (By Ms. Hutchison) And it violates the law  
20 to encourage a discriminatory attitude in the  
21 workplace just as much as it does to treat somebody  
22 that way, doesn't it?

23 A. Yes.

24 Q. And certainly if you encourage a  
25 discriminatory attitude in the workplace, that's



1 going to affect how people interact with someone of  
2 that race, isn't it?

3 MS. JOHNSON: Object to form.

4 A. Correct.

5 Q. (By Ms. Hutchison) For example, if an  
6 African-American worked in a work environment that  
7 was -- where everyone else there was white and they  
8 encouraged an attitude that was pro white, that would  
9 affect the way the white people treated the  
10 African-American, wouldn't it?

11 MS. JOHNSON: Object to form.

12 A. I don't know. I can't speak to that.

13 Q. (By Ms. Hutchison) But isn't that  
14 something that you address in human resources, is  
15 attitudes in the workplace?

16 MS. JOHNSON: Object to form.

17 A. Yes.

18 Q. (By Ms. Hutchison) And that is something  
19 that our laws are designed to eliminate is  
20 discriminatory attitudes in the workplace, right?

21 MS. JOHNSON: Object to form.

22 A. Quite possibly. I know the law is designed  
23 to eliminate discriminatory actions, so if it becomes  
24 an action, then, yes.

25 Q. (By Ms. Hutchison) Well, don't actions

1 question. How many meetings did you have with Renee  
2 Shepherd and Reverend Parker?

3 MS. JOHNSON: Object to relevancy and  
4 form.

5 A. At least three.

6 Q. (By Ms. Hutchison) And were they all  
7 trying to resolve their differences?

8 MS. JOHNSON: Object to relevancy and  
9 form.

10 A. No. Some of them were regarding her  
11 performance, her work performance, Renee's.

12 Q. (By Ms. Hutchison) So the meetings that  
13 you had with Renee and Reverend Parker were --  
14 revolved around Renee's work performance issues and  
15 their interpersonal issues?

16 A. Yes.

17 MS. JOHNSON: Object to relevancy and  
18 form.

19 Q. (By Ms. Hutchison) And you had at least  
20 three meetings between the three of you?

21 MS. JOHNSON: Object to relevancy and  
22 form.

23 A. Right.

24 Q. (By Ms. Hutchison) And about how far apart  
25 were those meetings?

1 MS. JOHNSON: Object to relevancy.

2 A. Was he terminated after the last meeting?

3 Q. (By Ms. Hutchison) No. The written  
4 warning, was that given to her after the last  
5 meeting?

6 MS. JOHNSON: Object to relevancy and  
7 form.

8 A. Yes.

9 Q. (By Ms. Hutchison) So in terms of the  
10 sequence of events, it was a suspension followed by a  
11 series of meetings followed by a written warning  
12 followed by termination?

13 MS. JOHNSON: Object to relevancy and  
14 form.

15 A. Training, suspension. She also had an oral  
16 and then written.

17 Q. (By Ms. Hutchison) A verbal warning or  
18 counseling?

19 A. Uh huh.

20 Q. Yes?

21 A. Yes.

22 Q. And do you remember the period of time for  
23 the entire process, like whether it all occurred over  
24 a year or a period of months?

25 MS. JOHNSON: Object to relevancy and

1 that we did in a staff meeting that she was probably  
2 a part of, but I can't be specific. I remember  
3 talking with her about the errors that she was making  
4 on Pastor Haynes' calendar and the interview folders  
5 that she would set up for him.

6 Q. Would you consider that training?

7 A. I would consider it, yeah, training, yes.

8 Q. Okay. Is that the only training you're  
9 aware of that Elizabeth Payne received was what you  
10 gave to her concerning errors on Pastor Haynes'  
11 calendar and the interview folders?

12 A. No. I also talked with her about her role  
13 as it relates to dealing with the media.

14 Q. Okay. And you consider that to be  
15 training?

16 A. Yes.

17 Q. Okay. Is there any other training that you  
18 gave her?

19 A. I can't recall.

20 Q. So the only training you're aware of anyone  
21 giving Elizabeth Payne at the church was what you're  
22 calling training when you talked to her about errors  
23 she was making on Haynes' -- Pastor Haynes' calendar,  
24 something about the interview folders, and talking  
25 with her about her role with the media; is that

1 correct?

2 A. As far as I can remember, yeah.

3 Q. At what point in her employment did you  
4 have these discussions with her?

5 A. The first discussion was not long after she  
6 had been there.

7 Q. Like -- what does that mean?

8 A. Within the first couple of months, at  
9 least.

10 Q. Okay.

11 A. And Pastor Haynes informed me that she had  
12 just been making a lot of errors on his calendar,  
13 because she had access to his calendar and she was --  
14 one of her responsibilities were adding things to his  
15 calendar.

16 Q. What errors are you specifically referring  
17 to?

18 A. I don't have specifics.

19 Q. Well, what do you mean by errors on his  
20 calendar?

21 A. Misspelled words.

22 Q. Were there any errors other than misspelled  
23 words?

24 A. Not that I know of.

25 Q. So when you said that you trained her on



1 and talking with her about her performance.

2 Q. On the interview folders, what was the  
3 training that you gave her about that?

4 A. I talked to her at the same time about both  
5 of those instances.

6 Q. So the training for the folders consisted  
7 of make sure you spell people's names correctly?

8 A. I made her aware that she had made an error  
9 and to be careful in the future.

10 Q. I'm just asking you about the training.  
11 The training was you misspelled somebody's name;  
12 Pastor Haynes called them the wrong name; be careful  
13 in the future; is that correct?

14 A. Yes.

15 Q. The training that you gave her about her  
16 role with the media was don't talk to the media?

17 A. No.

18 Q. What was it?

19 A. She called -- Liz called me and told me  
20 that Veta -- Veta Holt had told her that she was not  
21 to be quoted in the media and she was not to talk to  
22 media. Liz called me, and I said, That is not part  
23 of your responsibilities; that is Tonya Neal and  
24 Tonya is the director of communications.

25 Q. Okay. And that's the sum total of the

1 training?

2 A. Yeah.

3 Q. Okay. And did Elizabeth Payne object to  
4 that?

5 A. No.

6 Q. Did she resist that in any way?

7 A. Not that I can recall.

8 Q. Was she ever quoted in the media again?

9 A. Not that I can recall.

10 Q. Are you aware of any conversation she had  
11 with any reporters after that before her termination?

12 A. No.

13 Q. Are you aware of any errors on interview  
14 folders that occurred after your training of her?

15 A. No.

16 Q. Are you aware of any misspelled words on  
17 Reverend Haynes' calendar after your training of her?

18 A. No.

19 Q. So as far as you know, after you counseled  
20 her and provided her training, she corrected the  
21 problems?

22 A. No.

23 Q. Okay. Well, you're not aware of any other  
24 errors on his calendar?

25 A. No, no more on his calendar, no.

1 Q. And you're not aware of any -- of any more  
2 issues with the folders?

3 A. No.

4 Q. And you're not aware of any more issues  
5 with the media?

6 A. No.

7 Q. So in terms of the issues that you  
8 addressed with her and gave her training on, there  
9 weren't any more problems with those, were there?

10 A. No, not that I'm aware of.

11 Q. And what does that tell you about an  
12 employee when you counsel them about something, train  
13 them on that issue, and then they fix it?

14 MS. JOHNSON: Object to relevancy and  
15 also form.

16 A. I didn't train her on anything else as it  
17 relates to that, and I didn't have any other  
18 discussions with her. But there was a lot of errors  
19 in her work that she put together for Pastor Haynes'  
20 speech at Harvard University.

21 MS. HUTCHISON: I object to the  
22 responsiveness of the answer.

23 Q. (By Ms. Hutchison) If you have an  
24 employee -- let's not make it about Elizabeth Payne.  
25 Let's make it about just an employee in general.

1 A. Okay.

2 Q. If you have an employee in general that you  
3 counsel about an issue and then they fix it and they  
4 never have another issue about the thing you  
5 counseled them about and trained them about, doesn't  
6 that tell you that that employee responds well to  
7 counseling and training?

8 MS. JOHNSON: Object to relevancy and  
9 form.

10 A. Yes.

11 Q. (By Ms. Hutchison) Other than Elizabeth  
12 Payne, has the church, to your knowledge, ever fired  
13 somebody without giving them a written warning for a  
14 performance issue?

15 MS. JOHNSON: Object to relevancy.

16 A. Not that I can recall.

17 Q. (By Ms. Hutchison) With respect to  
18 Elizabeth Payne's statements to the media, are you  
19 aware of anything she ever said to the media about  
20 the church other than one time being quoted?

21 A. No.

22 Q. And what was that one quote?

23 A. I don't know.

24 Q. Did you read it?

25 A. Probably.

1 Q. Do you remember the gist of it?

2 A. No.

3 Q. Was it negative?

4 A. I don't know.

5 Q. The problem that the church had about her  
6 statement that she was quoted on wasn't the content  
7 of it; it was simply the fact of it; is that true?

8 MS. JOHNSON: Object to form.

9 A. Correct.

10 Q. (By Ms. Hutchison) Prior to the time that  
11 Elizabeth Payne was quoted in the media, was she ever  
12 trained or instructed not to give a quote to the  
13 media?

14 A. I don't know.

15 Q. Are you aware of any time anyone instructed  
16 her not to do that or told her not to give quotes?

17 A. No.

18 Q. Now, when you say errors in her work, I  
19 want to talk about what specifically you're referring  
20 to. Okay?

21 A. (Witness nods head.)

22 Q. So if you will list, please, what you mean  
23 when you say errors in her work.

24 A. Misspelled words.

25 Q. Anything else?



1           A.     Adding appointments without Pastor Haynes'  
2 approval.

3           Q.     Okay. Anything else that constituted  
4 errors in her work other than misspelled words and  
5 adding appointments without his approval?

6           A.     Not that I can recall.

7           Q.     Are you aware of any particular words that  
8 were misspelled by her?

9           A.     No.

10          Q.     Do you know if they were misspelled  
11 anywhere other than on his calendar and in the  
12 Harvard report?

13          A.     I don't know.

14          Q.     Are you aware of any misspelled words other  
15 than on his calendar or in the Harvard report?

16          A.     Not that I can recall.

17          Q.     In the Harvard report, do you know which  
18 words were misspelled?

19          A.     No.

20          Q.     With respect to the Harvard report, did  
21 she -- did Elizabeth Payne actually write any of  
22 that?

23          A.     I don't know.

24          Q.     So it's possible that she isn't the one who  
25 misspelled the words?

1 MS. JOHNSON: Object to form and  
2 relevancy.

3 A. It's possible.

4 Q. (By Ms. Hutchison) It's possible that  
5 other people misspelled the words --

6 MS. JOHNSON: Object to form.

7 Q. (By Ms. Hutchison) -- and put it into the  
8 report?

9 MS. JOHNSON: Object to form.

10 A. Her responsibility was to proof it.

11 MS. HUTCHISON: I object to the  
12 responsiveness of the answer.

13 Q. (By Ms. Hutchison) It's possible that  
14 other people actually misspelled the words that were  
15 in the report; is that true?

16 MS. JOHNSON: Object to form.

17 A. Yes.

18 Q. (By Ms. Hutchison) Was anyone else who  
19 provided misspelled words for the report reprimanded  
20 in any way?

21 MS. JOHNSON: Object to relevancy and  
22 form.

23 A. I don't know.

24 Q. (By Ms. Hutchison) Are you aware of anyone  
25 taking any action to find out who it was that

1 actually misspelled the words?

2 A. No.

3 Q. Now, the Harvard report was given to the  
4 communications department to print, correct?

5 A. I don't know.

6 Q. Wouldn't that be an important thing to  
7 know?

8 MS. JOHNSON: Object to relevancy and  
9 form.

10 A. No.

11 Q. (By Ms. Hutchison) I mean, isn't it -- if  
12 you give something to the communications department  
13 and they actually design the layout on their own  
14 software and print the booklet, don't they have an  
15 obligation to proofread it in that process?

16 MS. JOHNSON: Object to relevancy and  
17 form.

18 A. I have no opinion on that.

19 Q. (By Ms. Hutchison) Are you aware of anyone  
20 doing anything to find out what the communication  
21 department's obligations were with respect to  
22 proofing and printing the Harvard report?

23 MS. JOHNSON: Object to relevancy and  
24 form.

25 A. Veta Holt.

1 form.

2 A. Repeat that.

3 Q. (By Ms. Hutchison) Yeah. If Tonya Neal's  
4 department had an obligation to proofread that report  
5 in the process of them designing and in printing it,  
6 then wouldn't that be something you should consider  
7 before Elizabeth Payne is reprimanded for it?

8 MS. JOHNSON: Object to relevancy and  
9 form.

10 A. I didn't say that they had a responsibility  
11 to proof it.

12 Q. (By Ms. Hutchison) And I didn't say you  
13 did.

14 A. Okay.

15 Q. I'm asking you to -- if they did have an  
16 obligation, wouldn't that be a factor in whether or  
17 not Elizabeth Payne should be reprimanded for it?

18 A. No.

19 MS. JOHNSON: Object to relevancy and  
20 form.

21 Q. (By Ms. Hutchison) So if it was someone  
22 else's responsibility to design, proofread and print  
23 a piece of material, it would still be okay to  
24 reprimand Elizabeth Payne for any misspellings in it?

25 MS. JOHNSON: Object to relevancy and

1 form.

2 Yes.

3 Q. (By Ms. Hutchison) And even though you  
4 don't reprimand the person whose responsibility it  
5 was; is that true?

6 MS. JOHNSON: Object to form.

7 A. The person that was responsible for it was  
8 reprimanded.

9 Q. (By Ms. Hutchison) I'm asking you if Tonya  
10 Neal's department was responsible for proofreading  
11 it, she should have been reprimanded, too, shouldn't  
12 she?

13 MS. JOHNSON: Object to relevancy and  
14 form.

15 A. If she was responsible for proofreading it,  
16 yes.

17 Q. (By Ms. Hutchison) Okay. Now, under what  
18 circumstances is Tonya Neal responsible for  
19 proofreading documents that her department designs,  
20 creates and prints?

21 A. I don't know.

22 MS. JOHNSON: Object to relevancy and  
23 form.

24 Q. (By Ms. Hutchison) Isn't that something  
25 that you would need to know to figure out whether or



1 not Elizabeth Payne was being treated differently?

2 MS. JOHNSON: Object to relevancy and  
3 form.

4 A. Yes.

5 Q. (By Ms. Hutchison) Are you aware of anyone  
6 making that determination, in other words, finding  
7 out whether she was being treated differently?

8 MS. JOHNSON: Object to relevancy and  
9 form.

10 A. No.

11 Q. (By Ms. Hutchison) Is there anything, to  
12 your knowledge, that provides that -- well, strike  
13 that.

14 Is there a written job description for  
15 Tonya Neal's position?

16 A. Yes.

17 Q. Who created the job description?

18 MS. JOHNSON: Object to relevancy and  
19 form.

20 A. I did.

21 Q. (By Ms. Hutchison) You did?

22 A. No, I didn't -- yes, I did. Yes, I did.

23 Q. And does it provide that she has an  
24 obligation to basically be the director of the  
25 communications department?

1 form.

2 A. I don't know.

3 Q. (By Ms. Hutchison) When you talk about the  
4 conflicts with staff, you listed four people. And  
5 we're talking about Elizabeth Payne's conflict with  
6 staff. You listed four people: Dee Moten, Reverend  
7 Brianna Parker, Tonya Neal and Cornell Towns,  
8 correct?

9 A. Correct.

10 Q. Let's start with Mr. Towns. He is the  
11 director of maintenance?

12 A. Yes.

13 Q. What was the situation between Elizabeth  
14 Payne and Cornell Towns?

15 A. I wasn't involved in that, so I don't know.

16 Q. Well, you listed that as one of the reasons  
17 for termination, right?

18 A. Yes.

19 Q. Aren't you one of the people that was  
20 involved in approving or recommending her  
21 termination?

22 A. No.

23 Q. You never recommended Elizabeth Payne's  
24 termination?

25 A. No.

1 Q. You didn't approve her termination?

2 A. I didn't have to.

3 Q. My question is, you didn't approve her  
4 termination?

5 A. I don't know.

6 Q. Did you offer an opinion about her  
7 termination?

8 A. No.

9 Q. Were you in the room when she was  
10 terminated?

11 A. Yes.

12 Q. For what purpose?

13 A. The purposes that I gave you earlier. We  
14 didn't give her a purpose.

15 Q. Oh, I know you didn't give her a reason for  
16 firing her, but what was the reason that you were in  
17 the room when she was fired?

18 A. As a witness.

19 Q. As a witness to what?

20 A. Her termination.

21 Q. Why would there need to be a witness to her  
22 termination?

23 MS. JOHNSON: Object to relevancy and  
24 form.

25 A. We didn't need it. I was just there.

1 Q. (By Ms. Hutchison) Because -- who was it  
2 who made the decision not to tell her why she was  
3 being fired?

4 MS. JOHNSON: Object to relevancy and  
5 form.

6 A. I don't recall.

7 Q. (By Ms. Hutchison) Did you support not  
8 telling her why she was being fired?

9 MS. JOHNSON: Object to relevancy and  
10 form.

11 A. I don't recall.

12 Q. (By Ms. Hutchison) Do you believe it's  
13 wise not to tell somebody why they're being fired?

14 MS. JOHNSON: Object to relevancy and  
15 form.

16 A. I don't have an opinion.

17 Q. (By Ms. Hutchison) You understand that  
18 employees who are being fired may need to go get  
19 unemployment compensation, correct?

20 MS. JOHNSON: Object to relevancy and  
21 form.

22 A. Yes.

23 Q. (By Ms. Hutchison) And in order to do that  
24 they need to tell the TWC why they were fired,  
25 correct?

1 A. Correct.

2 MS. JOHNSON: Object to relevancy and  
3 form.

4 Q. (By Ms. Hutchison) Do you know of any way  
5 for an employee to go to the TWC and tell them why  
6 they were fired if you won't tell them why they were  
7 fired?

8 MS. JOHNSON: Object to relevancy and  
9 form.

10 A. I don't know. I don't have an opinion.

11 Q. (By Ms. Hutchison) Well, what was your  
12 understanding of the reason that you weren't telling  
13 her why she was being fired?

14 MS. JOHNSON: Object to relevancy and  
15 form.

16 A. I didn't ask.

17 Q. (By Ms. Hutchison) Okay. And so you  
18 didn't have any understanding of the reason why you  
19 weren't telling her?

20 MS. JOHNSON: Object to relevancy and  
21 form.

22 A. No.

23 Q. (By Ms. Hutchison) And you don't think it  
24 was part of your job in human resources to know what  
25 the reason was for not informing her of her



1 termination?

2 A. No.

3 MS. JOHNSON: Object to relevancy and  
4 form.

5 Q. (By Ms. Hutchison) And you didn't think it  
6 was part of your job in human resources to form an  
7 opinion as to whether her termination was legitimate  
8 or not?

9 MS. JOHNSON: Object to relevancy and  
10 form.

11 A. Say that again.

12 Q. (By Ms. Hutchison) Was it part of your job  
13 in human resources to form an opinion as to whether  
14 Elizabeth Payne's termination was legitimate or not  
15 legitimate?

16 A. No.

17 MS. JOHNSON: Object to relevancy and  
18 form.

19 Q. (By Ms. Hutchison) And you've never formed  
20 an opinion in that regard?

21 MS. JOHNSON: Object to relevancy and  
22 form.

23 A. No.

24 Q. (By Ms. Hutchison) And you don't have an  
25 understanding of the details behind the alleged

1 conflict with Cornell Towns?

2 A. No.

3 MS. JOHNSON: Object to relevancy and  
4 form.

5 Q. (By Ms. Hutchison) Do you have an opinion  
6 of the details behind the alleged conflict with Tonya  
7 Neal?

8 MS. JOHNSON: Object to relevancy and  
9 form.

10 A. All I know is what Liz told me, what Veta  
11 told me, and that's it.

12 Q. (By Ms. Hutchison) And what did Veta tell  
13 you?

14 A. That there was --

15 MS. JOHNSON: Object to hearsay.

16 THE WITNESS: Thank you.

17 A. That there was a problem with Liz and Tonya  
18 as it relates to the FedEx, trying to find a FedEx  
19 location to get the Harvard booklets to Pastor Haynes  
20 in a timely manner. She sent me an e-mail telling me  
21 to mediate the situation with Liz and Tonya because  
22 they were going to continue to have to work with one  
23 another.

24 Q. (By Ms. Hutchison) Okay. So was -- this  
25 conflict between Elizabeth Payne and Tonya, where was

1 this time-wise in relation to the other issues?

2 A. What other issues?

3 Q. Well, the statement to the media, the  
4 errors in her work and the conflicts with the other  
5 staff members. You know what, maybe it will help me  
6 to figure out -- let me go through and see if there's  
7 any way to do like a time line.

8 The statement to the media, do you  
9 remember when that took place?

10 A. No.

11 Q. Do you remember if it was early on in her  
12 employment?

13 A. No.

14 Q. Do you remember if it was before the other  
15 things that you've listed as reasons for termination?

16 A. No.

17 Q. The errors on Dr. Haynes's calendar that  
18 you trained her about, do you remember where those  
19 took place on the time line?

20 A. It was within the first few months of her  
21 employment.

22 Q. The issue with the Harvard report, do you  
23 remember where that was in the time line?

24 A. July.

25 Q. Do you remember when she was hired?

1       A.     Veta reminded Liz in an e-mail that she had  
2     also had an issue with Cornell. Liz made the comment  
3     that she was aware of it and that they apologized and  
4     was working better now. And Veta's whole point was  
5     to -- for me to schedule a meeting between Liz and  
6     Tonya so that they could work out their differences.

7       Q.     And did you do that?

8       A.     No. Tonya refused.

9       Q.     Did Liz refuse?

10      A.     No. Tonya was actually out of town, and  
11     she said she'd check on it when she got back. I  
12     followed up with her, and she said, Well, we're doing  
13     fine now.

14      Q.     So basically Tonya indicated we don't  
15     really have a problem or anything we need to work  
16     out?

17      A.     Anymore, yeah.

18      Q.     Was that okay with you?

19      A.     Yes.

20      Q.     So were you still going to hold Elizabeth  
21     Payne responsible for a conflict with Tonya Neal  
22     after Tonya Neal tells you they don't have a problem  
23     anymore?

24      A.     Yes.

25      Q.     And yet you didn't do anything to get

1 Elizabeth's side of the story or Tonya's side of the  
2 story?

3 A. Elizabeth put her side of the story in the  
4 e-mail and she also called me.

5 Q. She put it in an e-mail to you?

6 A. She copied me on the e-mail that she sent  
7 back to Veta.

8 Q. And what did it say as to what her side of  
9 the story was?

10 A. I don't remember. Not without looking at  
11 it, I just don't remember. I just remember she  
12 called me to tell me about -- something about FedEx  
13 and that they couldn't get the -- there was an issue  
14 with getting the packet to FedEx or a certain FedEx.  
15 I don't know.

16 Q. And why was it -- why was it Elizabeth  
17 Payne's fault?

18 A. The project was Liz's to begin with.

19 Q. No, the conflict between her and Tonya  
20 ~~Not~~, why was that Elizabeth Payne's fault?

21 A. Oh, I didn't say that it was Elizabeth  
22 Payne's fault.

23 Q. Didn't you just tell me that one of her  
24 reasons for termination was conflict with staff?

25 A. Yeah.

1 Q. And wasn't one of those staff members Tonya  
2 Neal?

3 A. Yes.

4 Q. Why wasn't that Tonya Neal's fault?

5 A. They both were at fault.

6 Q. Was Tonya Neal written up, counseled,  
7 warned or fired?

8 A. No.

9 Q. Then let's talk about --

10 A. Not a written counsel.

11 Q. Well, are you saying that she was -- Tonya  
12 Neal was verbally counseled about her conflict?

13 A. Yes. Yes, she was.

14 Q. By whom?

15 A. Veta Holt.

16 Q. Were you there?

17 A. No, I wasn't.

18 Q. What did Veta Holt tell you?

19 A. She told me that she had counseled with  
20 Tonya in how to work with Liz.

21 Q. And what was Tonya's response?

22 A. I don't know.

23 Q. Reverend Brianna Parker, are you saying  
24 that Elizabeth Payne was held responsible for a  
25 conflict with her?



1 the church. Part of that was walking to the front of  
2 the church to say you're going to become a member as  
3 opposed to Liz just wanted to fill out the paperwork  
4 and become a member.

5 Q. So was this a conversation between Reverend  
6 Parker and Liz?

7 A. Yes.

8 Q. And your understanding was that Liz said, I  
9 do want to be a member, but I don't want to walk in  
10 front of the church?

11 A. Right.

12 Q. And Reverend Parker was upset because she  
13 wanted Liz to walk in front of the church?

14 A. I don't know that she was upset at all. I  
15 just remember Liz sending me the e-mails and that was  
16 the issue, that they kept going back and forth and  
17 back and forth about whether, you know, to go up  
18 front and become a member or just fill out paperwork.

19 Q. Is there anyone else who's ever become a  
20 member that didn't go up to the front?

21 A. I don't know.

22 Q. Okay. Well, again, I'm having a little  
23 trouble finding out where the conflict is.

24 A. Okay.

25 Q. What's the problem -- did you determine

1 that there was something that Elizabeth Payne was  
2 doing wrong in that situation?

3 MS. JOHNSON: Object to form.

4 A. I don't know. I don't think so. The whole  
5 issue was that they kept going back and forth about  
6 it.

7 Q. (By Ms. Hutchison) What was Reverend  
8 Parker's reason for insisting upon her going to the  
9 front of the church?

10 MS. JOHNSON: Object to relevancy and  
11 form.

12 A. I don't know.

13 Q. (By Ms. Hutchison) Is there some Biblical  
14 requirement that you're aware of that would require  
15 somebody to go in front of the congregation as  
16 opposed to joining in some other way?

17 A. No.

18 MS. JOHNSON: Object to form.

19 Q. (By Ms. Hutchison) So you did not consider  
20 that discussion between the two of them to be a  
21 reason for termination, did you?

22 A. What I considered was there was so many  
23 different mediations and issues where Liz was  
24 concerned.

25 Q. Well, now, Reverend Parker had at least

1 Q. (By Ms. Hutchison) Well, did you think  
2 Elizabeth was doing something wrong to provoke  
3 Dee Moten?

4 MS. JOHNSON: Object to form.

5 A. I don't have an opinion on that.

6 Q. (By Ms. Hutchison) Are you aware of  
7 anything or, you know, of any opinion that Elizabeth  
8 Payne was doing something wrong to provoke Dee Moten?

9 MS. JOHNSON: Object to form.

10 A. I don't know.

11 Q. (By Ms. Hutchison) Now, is Dee Moten  
12 somebody that was demoted at some point?

13 MS. JOHNSON: Object to relevancy and  
14 form.

15 A. No.

16 Q. (By Ms. Hutchison) She wasn't demoted from  
17 Reverend Hill's assistant to another position?

18 A. It wasn't a --

19 MS. JOHNSON: Object to relevancy  
20 and --

21 A. -- demotion.

22 MS. JOHNSON: Object to relevancy and  
23 form.

24 Q. (By Ms. Hutchison) It was not a demotion?

25 A. No.

1 A. No.

2 Q. Do you hold it against them that they want  
3 to have mediation sessions?

4 A. No.

5 Q. Isn't it actually a sign on the part of an  
6 employee that they want to improve relations to ask  
7 for a mediation session?

8 A. Yes.

9 Q. And so rather than holding it against them  
10 and deciding that they are a troublemaker, the  
11 request for mediation sessions would actually be a  
12 plus on their side to show that they want to  
13 harmonize relationships, correct?

14 MS. JOHNSON: Object to relevancy and  
15 form.

16 A. That's -- I didn't use those terms.

17 Q. (By Ms. Hutchison) Well, I'm using those  
18 terms.

19 A. Okay.

20 Q. Don't you think that an employee who asks  
21 for mediation sessions is trying to improve relations  
22 in a workplace?

23 MS. JOHNSON: Object to relevancy and  
24 form.

25 A. Could be.

1 Q. So did you have any criticism of Tonya Neal  
2 coming to you for help?

3 MS. JOHNSON: Object to form.

4 A. No.

5 Q. (By Ms. Hutchison) Did you have any  
6 criticism of Elizabeth going to Tonya Neal for help?

7 MS. JOHNSON: Object to form and  
8 relevancy.

9 A. No.

10 Q. (By Ms. Hutchison) And when you prepared  
11 the resume, where did you get the information to put  
12 in it?

13 A. I did research on the Internet and worked  
14 with Tonya.

15 Q. Did you get any information directly from  
16 Reverend Haynes?

17 A. I think so.

18 Q. Do you remember where you got the  
19 information concerning where he obtained his degrees?

20 A. No.

21 Q. Do you remember where he obtained his  
22 degrees?

23 A. No.

24 MS. JOHNSON: Object to relevancy and  
25 form.

1 form.

2 A. It had a picture of a woman in it, and she  
3 was kind of busty and, you know, not dressed well.  
4 But beyond that, that's -- that's all I had.

5 Q. (By Ms. Hutchison) Wearing a low-cut shirt  
6 or dress or blouse or something?

7 A. Yeah.

8 MS. JOHNSON: Object to relevancy and  
9 form.

10 A. Yeah. Yeah.

11 Q. (By Ms. Hutchison) And did the card say  
12 anything?

13 MS. JOHNSON: Object to relevancy and  
14 form.

15 A. I don't remember what it said.

16 Q. (By Ms. Hutchison) But it was your  
impression there was a woman that was sending  
18 something sexually suggestive to Dr. Haynes?

19 MS. JOHNSON: Object to relevancy and  
20 form.

21 A. Yes.

22 Q. (By Ms. Hutchison) And what did Elizabeth  
23 say to you when she brought it to you?

24 MS. JOHNSON: Object to relevancy and  
25 form.



1 not Pastor Haynes and the person who sent the picture  
2 had any kind of a relationship?

3 A. No.

4 MS. JOHNSON: Object to relevancy and  
5 form.

6 A. No, I didn't.

7 Q. (By Ms. Hutchison) Have you ever made any  
8 determination as to whether or not Pastor Haynes and  
9 this woman had a relationship?

10 A. No.

11 MS. JOHNSON: Object to relevancy and  
12 form.

13 Q. (By Ms. Hutchison) Wouldn't be  
14 significant to you in human resources if  
15 Pastor Haynes was having inappropriate relationships  
16 with women that were not his wife?

17 MS. JOHNSON: Object to relevancy and  
18 form.

19 A. Wouldn't be what to me?

20 Q. (By Ms. Hutchison) Significant.

21 A. Yes.

22 Q. And because there were other people that  
23 were being fired for doing that very thing, right?

24 MS. JOHNSON: Object to relevancy and  
25 form.

1 MS. JOHNSON: Object to relevancy and  
2 form.

3 Q. (By Ms. Hutchison) Were you going to do  
4 anything about that?

5 A. Was I going to do anything about what?

6 Q. About him having an inappropriate  
7 relationship with another woman.

8 MS. JOHNSON: Object to relevancy and  
9 form.

10 A. I didn't know he was having an  
11 inappropriate relationship with another woman.

12 Q. (By Ms. Hutchison) But you didn't do  
13 anything find out he was having an  
14 inappropriate relationship with a woman, right?

15 MS. JOHNSON: Object to relevancy and  
16 form.

17 A. No.

18 Q. (By Ms. Hutchison) No what?

19 No, I didn't.

20 MS. JOHNSON: Object to relevancy and  
21 form to that last question.

22 Q. (By Ms. Hutchison) Did Liz ever come to  
23 you other than the occasion with the picture of the  
24 suggestive woman on any other occasion about  
25 Pastor Haynes and possible relationships with other

1 ask them to access any particular e-mails?

2 A. I could have, but I didn't.

3 Q. When was the first time you saw any of the  
4 communications between Elizabeth Payne and Reverend  
5 Wright?

6 A. It was after Liz was gone, so maybe late  
7 August or September time frame.

8 Q. But it was never prior to the time that she  
9 was terminated?

10 A. No.

11 Q. Did you ever talk to Lora Clack about  
12 Elizabeth Payne?

13 A. No.

14 Q. Did Veta Holt ever tell you that Lora Clack  
15 was concerned about Elizabeth's communications with  
16 Reverend Wright?

17 A. No.

18 Q. So it's your position that you were not  
19 aware in any way, shape or form about Elizabeth's  
20 communications with Reverend Wright that went beyond  
21 professional?

22 A. That's correct.

23 Q. Do you believe that there's an attitude at  
24 the church that promotes black people over other  
25 races?

1 to the explanation for the fact that the church  
2 employs, other than the cleaning crew, a hundred  
3 percent African-Americans?

4 MS. JOHNSON: Object to relevancy and  
5 form.

6 A. Ask that again.

7 Q. (By Ms. Hutchison) Yeah. What's your  
8 opinion as to why it is that the church employs all  
9 African-Americans other than the cleaning crew?

10 MS. JOHNSON: Object to relevancy and  
11 form.

12 A. I don't have an opinion on it.

13 Q. (By Ms. Hutchison) Do you believe that the  
14 church promotes an attitude that black people need to  
15 stick together to the exclusion of other races?

16 MS. JOHNSON: Object to relevancy and  
17 form.

18 A. I don't have an opinion on that, no.

19 Q. (By Ms. Hutchison) Have you ever  
20 encountered an attitude on the part of  
21 African-American women that they get offended by  
22 African-American men having relationships outside  
23 their race?

24 MS. JOHNSON: Object to relevancy and  
25 form.

1 me that Vernon Robinson, Kassandra Foard, Charlotte  
2 Rhone and Renee Shepherd are all African-American?

3 A. They look African-American.

4 MS. JOHNSON: Object to relevancy and  
5 form.

6 Q. (By Ms. Hutchison) One of the other things  
7 that you said that you reviewed for your deposition  
8 was the Christian Standards of Living?

9 A. Yes.

10 Q. I can't read my own handwriting.

11 A. Christian Standards of Living.

12 Q. What are the Christian Standards of Living?

13 A. It's a standard that we expect every  
14 employee to live by as an employee of the church.

15 Q. Now, you had not mentioned that being a  
16 factor in Elizabeth Payne's termination. Are you now  
17 saying that was a factor in her termination, a  
18 violation of the Christian Standards of Living?

19 A. No, I did not say that.

20 Q. And, in fact, that doesn't have anything to  
21 do with her termination, does it?

22 MS. JOHNSON: Object to relevancy and  
23 form.

24 A. No.

25 Q. (By Ms. Hutchison) Did you have any

1 talking about?

2 A. Yes, but I can't remember the details.

3 Q. Was it one or more than one?

4 A. When I spoke with him it was one.

5 Q. Were you ever aware of any more than one  
6 appointment that Pastor Haynes was complaining that  
7 Elizabeth had put on his calendar that he did not  
8 approve?

9 A. No.

10 Q. And you don't remember the details of the  
11 one he complained of?

12 A. No.

13 Q. If it was like a speaking engagement --

14 A. It was a speaking engagement.

15 Q. And was he objecting to speaking at that  
16 particular place or --

17 A. It was scheduled during the time that he  
18 typically celebrates either his wife's birthday or  
19 daughter's birthday, and he just -- he never -- he's  
20 never out of town during that time.

21 Q. Did he tell you whether or not he had  
22 explained this to Elizabeth and had her fix it?

23 MS. JOHNSON: Object to hearsay.

24 A. He said that he had never told her to put  
25 it on his schedule.



1 A. Yeah. Yeah.

2 Q. Did you give any examples of racial  
3 harassment?

4 MS. JOHNSON: Object to relevancy and  
5 form.

6 A. Not that I can recall.

7 Q. (By Ms. Hutchison) Did you provide any  
8 training on how not to discriminate based on race?

9 MS. JOHNSON: Object to relevancy and  
10 form.

11 A. Not that I can recall.

12 Q. (By Ms. Hutchison) What did you tell them  
13 to do if they felt that they were being discriminated  
14 against based on race?

15 MS. JOHNSON: Object to relevancy and  
16 form.

17 A. Contact me.

18 Q. (By Ms. Hutchison) Anything else?

19 MS. JOHNSON: Object to relevancy and  
20 form.

21 A. No, that was it. To let me know so that we  
22 could investigate it.

23 Q. (By Ms. Hutchison) Did you tell them they  
24 had to do that in any certain format?

25 A. No.

1 even if she had to get -- or notify everybody of what  
2 was needed, that was part of her job. It was still  
3 her responsibility to make sure that the project was  
4 in a format that he wanted.

5 Q. And did that also include proofing the  
6 project?

7 A. Yes.

8 Q. And did you indicate also that part of the  
9 reason why she was fired was because of personality  
10 conflicts with staff?

11 A. Yes.

12 Q. Were there any other reasons why she was  
13 fired and terminated?

14 A. Just Pastor Haynes' comment about her not  
15 coming to work or not being to work on Sundays when  
16 he needed her; and Mondays.

17 Q. She was not required to be a member -- to  
18 join the church --

19 A. No.

20 Q. -- in order to be a staff person?

21 A. No, she was not.

22 Q. And no member -- no staff member is  
23 required to join the church to be a staff member; is  
24 that correct? I mean, there's no requirement that  
25 you join the church -- I'm assuming other than

1 Q. And was it designed to conduct performance  
2 reviews more than once a year?

3 A. No.

4 Q. And did Liz Payne have a performance  
5 review?

6 A. No.

7 Q. And why was that?

8 A. She wasn't there a year.

9 Q. And she was only there how long, do you  
10 recall?

11 A. Eight months.

12 Q. If she had been there a year, then she  
13 would have had a performance review?

14 A. Most likely.

15 MS. JOHNSON: I reserve my right to  
16 further cross later.

17 FURTHER EXAMINATION

18 BY MS. HUTCHISON:

19 Q. Does the job description for administrative  
20 assistant give specific days and times for working?

21 A. I don't know.

22 Q. What was Elizabeth Payne told about the  
23 days and the times that she needed to be there?

24 A. That Sundays would be a workday.

25 Q. What else?

1 A. Staff meetings were mandatory.

2 Q. And who told her that?

3 A. I did, Pastor Haynes did, Veta did and  
4 Reverend Hill did.

5 Q. You don't know of any she missed, though,  
6 do you?

7 A. I don't know.

8 Q. Okay. You don't have any reason to believe  
9 that was the basis for her termination, do you? You  
10 didn't mention it when I was asking you about reasons  
11 for her termination, did you?

12 A. Based on what Pastor Haynes reported, yes.

13 Q. Didn't I ask you in your deposition --

14 A. Yes, you did. You did.

15 Q. And you didn't mention anything about her  
16 attendance, did you?

17 A. I didn't.

18 Q. Now you're telling me now that  
19 Pastor Haynes told you that her attendance was part  
20 of the reason she was being fired?

21 A. Yes.

22 Q. Now, certainly being in charge of human  
23 resources, before you fire somebody, you want to get  
24 their side of the story, right?

25 A. Not always.

1 that Liz was terminated for, and the attendance was  
2 just one of the items on the list.

3 Q. (By Ms. Hutchison) And I'm asking you,  
4 since it was a basis for termination, is it your  
5 testimony that it's good human resources practices to  
6 allow that to be a reason for termination without  
7 asking her about it?

8 A. I don't have an opinion on that.

9 MS. JOHNSON: Object to form.

10 Q. (By Ms. Hutchison) Pardon me?

11 A. I don't have an opinion on that.

12 Q. But you're not aware of anyone bothering to  
13 ask her about her side of the story on that, are you?

14 MS. JOHNSON: Object to form.

15 A. No.

16 Q. (By Ms. Hutchison) Or do you know whether  
17 she came in on Mondays?

18 MS. JOHNSON: Object to form.

19 A. No.

20 Q. (By Ms. Hutchison) Is there anything we  
21 can look at to determine if she missed any?

22 A. I don't know.

23 Q. I mean, is there some document that we can  
24 look at that's going to tell us whether Liz actually  
25 did miss any Mondays?

1 MS. JOHNSON: Object to form.

2 A. I don't know.

3 Q. (By Ms. Hutchison) If she was missing work  
4 or if attendance was a problem, wouldn't you expect  
5 somebody to document that somewhere?

6 MS. JOHNSON: Object to form.

7 A. Possibly.

8 Q. (By Ms. Hutchison) I mean, is it okay with  
9 you for someone to come in and say, You know what,  
10 so-and-so has had attendance issues, fire them, or  
11 would you want to say, Do we have any documentation  
12 of that; can you tell me which days they missed?

13 MS. JOHNSON: Object to form.

14 A. I don't have an opinion on that.

15 Q. (By Ms. Hutchison) You know, saying that  
16 she was there for eight months so she didn't have a  
17 performance review, her performance could have been  
18 reviewed with her at any time, right?

19 MS. JOHNSON: Object to form.

20 A. Yes.

21 Q. (By Ms. Hutchison) I mean, there's nothing  
22 preventing anyone from sitting down with her and  
23 saying, this is what you're doing and this is what  
24 you need to do?

25 A. Everytime someone sat down with her to talk



1 with her about her performance, that was, in my  
2 opinion, a review of how she was doing.

3 Q. So instead of how you answered your lawyer,  
4 the real answer is her performance was reviewed with  
5 her on a number of times, correct?

6 MS. JOHNSON: Object to form.

7 A. Yes, it was reviewed a number of times, but  
8 it wasn't a formal review.

9 Q. (By Ms. Hutchison) Okay. And every single  
10 time that you reviewed her performance with her, she  
11 fixed it, right?

12 MS. JOHNSON: Object to form.

13 A. No -- well, yes.

14 Q. (By Ms. Hutchison) Okay.

15 A. Yes.

16 Q. And so you don't know of anything that  
17 would have indicated that if someone had sat down and  
18 talked to her about their issues, that she wouldn't  
19 have fixed it --

20 MS. JOHNSON: Object to form.

21 Q. (By Ms. Hutchison) -- do you?

22 A. I don't know that.

23 Q. Okay. Are you -- did you ask Pastor Haynes  
24 or Veta Holt or anyone else, Have you sat down with  
25 Liz and talked to her about these things, because

1 seriously, did she refuse to listen?

2 A. I don't know. I wasn't there.

3 MS. JOHNSON: Object to form.

4 Q. (By Ms. Hutchison) Did she ever talk to  
5 the media after she was told not to?

6 A. I don't know.

7 Q. Don't you think that information is  
8 relevant as to whether or not she should be fired?

9 MS. JOHNSON: Object to form.

10 A. I don't know whether Liz said anything else  
11 to the media.

12 Q. (By Ms. Hutchison) But I'm asking you,  
13 isn't that information that's really relevant as to  
14 whether or not she should be fired?

15 MS. JOHNSON: Object to form.

16 A. No.

17 Q. (By Ms. Hutchison) Because if you've got  
18 an employee who doesn't know they're not supposed to  
19 do something and then after you tell them not to do  
20 it anymore, never does it again, they shouldn't  
21 really be fired for that, should they?

22 MS. JOHNSON: Object to form.

23 Q. (By Ms. Hutchison) Should they?

24 MS. JOHNSON: Object to form.

25 A. No comment. I don't have an opinion on

1 that.

2 Q. (By Ms. Hutchison) Did Veta Holt tell you  
3 she talked to her about anything else other than that  
4 she shouldn't talk to the media?

5 A. She talked with Liz about the Harvard  
6 project.

7 Q. And what did she tell Liz about the Harvard  
8 project?

9 A. I don't know. I wasn't there.

10 Q. And what was Liz's response?

11 A. I don't know. I wasn't there.

12 Q. Was Veta Holt critical of Liz's response  
13 any time she talked to her?

14 A. Yes.

15 Q. Where was she critical?

16 A. What do you mean "where was she critical"?

17 Q. What was she critical about? What was Veta  
18 Holt critical about?

19 A. She was critical about the fact that  
20 Pastor Haynes was very upset about all of the errors  
21 in the Harvard project.

22 Q. No, my question is, was she critical of  
23 Elizabeth's response to her?

24 A. Not that I can recall.

25 Q. Do you know of any time that Elizabeth was

1 insubordinate or disrespectful or refused to mend her  
2 ways?

3 A. Not that I can recall.

4 Q. Was she -- as far as you know, was she  
5 always willing to try to fix the problem?

6 A. I don't -- yes, in the situations that I  
7 dealt with her on.

8 Q. And did anyone ever tell you, you know, I  
9 tried to talk to Elizabeth; she's just not willing to  
10 fix it?

11 MS. JOHNSON: Object to relevancy and  
12 form.

13 A. Not that I can recall.

14 Q. (By Ms. Hutchison) Do you believe that she  
15 misrepresented herself in any way to you?

16 MS. JOHNSON: Object to relevancy and  
17 form.

18 A. Yes.

19 Q. (By Ms. Hutchison) How did she do that?

20 A. Based on the interviews that we had with  
21 Elizabeth, I felt that she was not as prepared for  
22 the position as she claimed.

23 Q. What did she claim that was --

24 A. I feel that she did not represent herself  
25 well once she got in the job.

1 liked or didn't like?

2 A. I can't recall.

3 Q. Do you recall anything in particular that  
4 anybody who interviewed Elizabeth Payne liked or  
5 didn't like?

6 A. I can't recall.

7 Q. Do you remember Pastor Haynes making a  
8 statement at a staff meeting to explain to them that  
9 he was going to hire somebody that wasn't an  
10 African-American and he wanted to make sure it wasn't  
11 a problem?

12 A. No.

13 Q. If he had said that, would you remember it?

14 A. Yes.

15 Q. Do you go to all of the staff meetings?

16 A. No.

17 Q. So it's possible he said that at a meeting  
18 you were not present at?

19 MS. JOHNSON: Object to form.

20 A. Quite possible.

21 Q. (By Ms. Hutchison) Now, Pastor Haynes  
22 didn't say anything about his resume when he was  
23 talking about firing Liz, did he?

24 A. Not to me.

25 Q. Well, did he say something to someone else

1 that you're aware of?

2 MS. JOHNSON: Object to relevancy and  
3 form.

4 A. No.

5 Q. (By Ms. Hutchison) Did anyone else ever  
6 claim to you that Elizabeth misrepresented herself?

7 MS. JOHNSON: Object to relevancy and  
8 form.

9 A. Say that again.

10 Q. (By Ms. Hutchison) Did anyone else ever  
11 tell you that they believed Elizabeth misrepresented  
12 herself?

13 MS. JOHNSON: Object to relevancy and  
14 form.

15 A. Veta Holt.

16 Q. (By Ms. Hutchison) What did Veta Holt say?

17 MS. JOHNSON: Object to hearsay.

18 A. I can't recall.

19 MS. HUTCHISON: I'll pass the witness.

20 MS. JOHNSON: We'll reserve further  
21 cross-examination to a later date.

22 MR. LEWIS: We are off the record at  
23 2:25.

24 (Deposition proceedings concluded  
25 at 2:25 p.m.)